

PATENT COOPERATION TREATY
PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70).

REC'D 18 MAY 2004

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Applicant's or agent's file reference 035001	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International Application No. PCT/AU2003/000349	International Filing Date (day/month/year) 21 March 2003	Priority Date (day/month/year) 21 March 2002
International Patent Classification (IPC) or national classification and IPC Int. Cl. ⁷ . B65G 25/08, 25/10, B65F 13/14, B55B 13/20, 63/02		
Applicant BYRNE TRAILER MANUFACTURING (WAGGA WAGGA) PTY LTD et al		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 3 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 120 sheet(s).

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 13 October 2003	Date of completion of the report 10 May 2004
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustalia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer BARRY STEPHENS Telephone No. (02) 6283 2106

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/AU2003/000349

Basis of the report

With regard to the elements of the international application:*

☐ the international application as originally filed.☒ the description, pages , as originally filed,
pages , filed with the demand,
pages 1-66, 98 , received on with the letter of 23 April 2004☒ the claims, pages , as originally filed,
pages , as amended (together with any statement) under Article 19,
pages , filed with the demand,
pages 67-97 , received on 23 April 2004 with the letter of 23 April 2004☒ the drawings, pages , as originally filed,
pages , filed with the demand,
pages 1/22-22/22, received on 23 April 2004 with the letter of 23 April 2004☐ the sequence listing part of the description:

pages , as originally filed

pages , filed with the demand

pages , received on with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).☐ the language of publication of the international application (under Rule 48.3(b)).☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.☐ filed together with the international application in computer readable form.☐ furnished subsequently to this Authority in written form.☐ furnished subsequently to this Authority in computer readable form.☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished4. ☐ The amendments have resulted in the cancellation of:☐ the description, pages☐ the claims, Nos.☐ the drawings, sheets/fig.5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims 1-108	YES
	Claims NONE	NO
Inventive step (IS)	Claims 1-108	YES
	Claims NONE	NO
Industrial applicability (IA)	Claims 1-108	YES
	Claims NONE	NO

2. Citations and explanations (Rule 70.7)

The following new citation was raised during proceedings under Article 34:

AU 10559/76 B (BAKER) 23 January 1976

None of the citations, considered either singly or in any obvious combination, explicitly discloses or suggests the invention as claimed. AU 10559/76, considered to be the closest prior art, discloses a material urging structure in the form of a moveable wall 31 which is driven forward for compaction by a hydraulic ram 33 reacting against a support member 21. After an initial compaction, the hydraulic ram is retracted and the support member 21 selectively (manually) moved a position suitable to accommodate more uncompressed material and locked in position by means of (manually-operated) locking members 27, and the hydraulic ram again actuated to drive the moveable wall forwards. This procedure is repeated until the required amount of material has been loaded and its required degree of compaction obtained. To empty the container, rear door 15 is opened and the moveable wall moved to push material from the container. However, there is no disclosure of a material urging structure activating means wherein the material urging structure is incrementally advanced, as claimed in claim 1, or of a material urging structure adapted to incremental movement as claimed in claim 61 or in claim 72. Accordingly, it is considered that the claimed invention is novel and possesses an inventive step in the light of the citations.